



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 8, 2022

CBCA 7554-FEMA

In the Matter of CITY OF FLORIDA CITY, FLORIDA

Otis Wallace, Mayor of City of Florida City, Florida City, FL, appearing for Applicant.

Marija Diceviciute, Appeals Officer, and Melissa Shirah, Recovery Bureau Chief, Florida Division of Emergency Management, Tallahassee, FL, appearing for Grantee.

Brock Pierson, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **BEARDSLEY** (Chair), **SHERIDAN**, and **O'ROURKE**.

On October 26, 2022, applicant, City of Florida City, Florida, asked that its request for arbitration be rescinded. Applicant represented the following:

Please be advised that after notification from [Federal Emergency Management Agency (FEMA)] Region IV that the initial [eligibility determination memorandum (DM)] dated 11/16/20, with appeal submitted on 1/16/21, was not considered to be DM #1/First Appeal due to findings on 10/19/21 and being sent back for rereview.

Therefore the DM dated 8/25/22 is now being considered DM #1.

At this time **please RESCIND the Request for Arbitration (RFA)** so that Florida City may submit an Appeal.

FEMA responded to this request, stating:

This Panel is advised that after this arbitration request is dismissed per the Applicant's request, should the Applicant file a first appeal request, and should the Applicant be unhappy with FEMA's determination on that request, then the Applicant may then choose to file an arbitration in lieu of a 2nd appeal per the rules contained in Title 44 of the Code of Federal Regulations § 206.206.

Accordingly, we grant applicant's request and dismiss the arbitration.

Patricia J. Sheridan

PATRICIA J. SHERIDAN
Board Judge

Erica S. Beardsley

ERICA S. BEARDSLEY
Board Judge

Kathleen J. O'Rourke

KATHLEEN J. O'ROURKE
Board Judge